



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0013; Notice 2]

**Hyundai Motor America, Grant of Petition for Decision of
Inconsequential Noncompliance**

AGENCY: National Highway Traffic Safety Administration (NHTSA),
Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Hyundai Motor America (Hyundai), on behalf of Hyundai Motor Company, has determined that certain model year (MY) 2015 Hyundai Sonata motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Hyundai filed a noncompliance information report dated February 5, 2017. Hyundai also petitioned NHTSA on February 3, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on the decision contact Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5304, facsimile (202) 366-3081.

SUPPLEMENTARY INFORMATION:

I. Overview: Hyundai Motor America (Hyundai), has determined that certain model year (MY) 2015 Hyundai Sonata motor vehicles do not fully comply with paragraph S6.5.3.4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Hyundai filed a noncompliance information report dated February 5, 2017, *Defect and Noncompliance Responsibility and Reports*. Hyundai also petitioned NHTSA on February 3, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the Hyundai petition was published, with a 30-day public comment period, on April 17, 2017, in the Federal Register (82 FR 18208). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2017-0013."

II. Vehicles Involved: Approximately 3,054 MY 2015 Hyundai Sonata motor vehicles, manufactured between April 25, 2014, and May 16, 2014, are potentially involved.

III. Noncompliance: Hyundai explains that the noncompliance is that the lens on the replaceable headlamp assembly in the

subject vehicles is missing the HB bulb designation, as required by paragraph S6.5.3.4.1 of FMVSS No. 108.

IV. Rule Text: Paragraph S6.5.3.4.1 of FMVSS No. 108 states in pertinent part:

S6.5.3.4 Replacable bulb headlamp markings.

S6.5.3.4.1 The lens of each replaceable bulb headlamp must bear permanent marking in front of each replacable light source with which it is equipped that states either: The HB Type, if the light source conforms to S11 of this standard for filament light sources, or the bulb marking/designation provided in compliance with Section VIII of appendix A of 49 CFR Part 564 (if the light source conforms to S11 of this standard for discharge light sources)...

V. Summary of Hyundai's Petition: Hyundai described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Hyundai submitted the following reasoning:

a) The noncompliance has no impact on headlamp performance:

The mismarked headlamps are the correct headlamps for the affected vehicles and conform to all applicable FMVSS photometric and other requirements. In a recent decision involving similar facts, NHTSA granted an inconsequentiality petition involving a noncompliant bulb marking because the use of the mismarked bulb would "not create a noncompliance with any of the headlamp performance

requirements of FMVSS No. 108 or otherwise present an increased risk to motor vehicle safety.” Osram Sylvania Products, Inc., grant of petition for decision of Inconsequential Noncompliance, 78 FR 22943, 22944 (Dep’t of Trans. Apr. 17, 2013)

- b) **The lens is marked with an industry standard bulb type:** The headlamp lenses in question are clearly marked “9005” (the ANSI designation), which are well-known alternative designations for the HB3 bulb. This designation is recognized throughout the automotive industry, and is used by lighting manufacturers interchangeably with a lamp’s HB type.
- c) **The risk of consumer confusion is remote:** A consumer can use the 9005 ANSI alternative to properly identify and purchase the correct replacement headlamp bulb for the affected vehicles. Hyundai searched a number of national automotive parts stores (Autozone, O’Reilly, Advanced Auto Parts, and Pep Boys), and found that all HB3 replacement bulbs in these stores were marked with the 9005 ANSI designation. In fact, the packaging on the replacement bulbs was more commonly marked with the ANSI designation than the HB type.
- d) **NHTSA precedent supports granting this petition:** NHTSA has previously ruled that the noncompliance at issue here

(lamps marked with the ANSI designation rather than the HB type) is inconsequential to motor vehicle safety. On January 18, 2017, the Agency granted GM's petition for inconsequential noncompliance regarding their high-beam headlamp lenses on model year 2012-2015 Chevrolet Sonic passenger cars that were not marked with "HB3" (the HB bulb type), as required by paragraph S6.5.3.4.1 of FMVSS No. 108. NHTSA granted the petition stating:

We agree with GM that the ANSI '9005' designation is a well-known alternative designation for the HB3 light source and that the replacement light source packaging is commonly marked with both the HB type and ANSI designation. As such, we believe that consumers can properly identify and purchase the correct replacement upper beam light source for the affected vehicles.

See General Motors, LLC, Grant of petition for Decision of Inconsequential Noncompliance, (NHTSA-2015-0035).

Hyundai concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C.

30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA'S DECISION:

NHTSA's Analysis: We agree with Hyundai that the ANSI "9005" designation is a well-known alternative designation for the HB3 light source and that replacement light source packaging is commonly marked with both the HB type and ANSI designation. As such, we believe that consumers can properly identify and purchase the correct replacement upper beam light source for the affected vehicles. Further, the unique bulb holder design incorporated into the headlamps would prevent consumers from installing a light source other than an HB3/9005 so there would be no effect on headlamp performance.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that Hyundai has met its burden of persuasion that the subject FMVSS No. 108 noncompliance is inconsequential to motor vehicle safety. Accordingly, Hyundai's petition is hereby granted and Hyundai is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections

30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Hyundai no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Hyundai notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

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Director,

Office of Vehicle Safety Compliance.

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